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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/577,683

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Werner Lindemann

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EXAMINER

SEKUL, MARIA LYNN

ART UNIT

PAPER NUMBER

2461

MAIL DATE

DELIVERY MODE

05/18/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/577,683	Applicant(s) LINDEMANN ET AL.	
	Examiner MARIA SEKUL	Art Unit 2461	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 April 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☒ The Notice of Appeal was filed on 04 May 2010. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 19-30.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Huy D Vu/
Supervisory Patent Examiner, Art Unit 2461

Continuation of 11:

- 1) Applicant traversed the rejection of claim 27 under 112 stating that claim is is clear that "the connections to the ports" near the end of the claim references between the router and the interface to the ports. Examiner respectfully disagrees. The use of "connections to the ports" makes it unclear which connection to break because "the connections to the ports" are connections to ports on the another network, and hence, between the router and the another network. Therefore, if there are "connections to ports", and "a connection" is to be broken, it cannot be determined which connection to break.
- 2) As to the rejection of claim 27 under 103 over the combination of Zhang and O'Toole, Applicant asserts that O'Toole discloses individual connections between the load balancer and servers, but does not disclose that the connection between router 115 and internet 110 is dropped when the connections are idle. Examiner respectfully disagrees. The claim recites that the connections to the ports are on another network (O'Toole, Fig. 1-2, col. 7, lines 29-35, computer interface 225 interfaces to a network to handle connections 140). Therefore, releasing the connections to ports to the network also releases a connection to the other network.
- 3) As to the rejectio of claim 29 under 103 over the combination of Zhang and O'Toole, Applicant similarly asserts that O'Toole does not disclose releasing the first connection of claim 29 or releasing the connection to another network of claim 19. Examiner disagrees. The Connection monitor of O'Toole moniotrs the plurality of connections 140 for idle persistent connections and also monitors the plurality of connections 140 for a condition to drop idle connections (col. 8, lines 1-9). A persistent connection enable a client to establish a first connection to a load balancing device and then enable the load balancing device to establish a second connection from itself to a server O'Toole, col. 1, lins 47-51); and dropping a persistent connection drops the end-to-end connection between user and server, as depicted in Fig. 1 of O'Toole, thereby also dropping the connection between router 115 and internet 110.
- 4) The same comments apply to dependent claims 20, 28 and 30, such that the router 115, switch 120 and load balancer 125 of O'Toole (Fig. 1) acts as the gateway 82 of Zhang. Dropping a persistent connection of O'Toole toward the network of Zhang would drop all connections to all terminals.

Accordingly, the rejection of all claims is maintained.